

ABSENT—6.

Atlee, McKinney,
Clark, Page.
Lubbock, Weisiger.

Quorum present.

On motion of Senator Kimbrough the call of the Senate was suspended. Senator Simkins offered the following :

Strike out all after the word "of," second section, down to and including the word "and" in line 9, and inserting "laborers on farms."

Adopted by the following vote :

YEAS—14.

Clemens, Seale,
Crane, Searcy,
Cranford, Simkins,
Frank, Sims,
Glasscock, Tyler,
Kearby, Townsend,
Mott, Weisiger.

NAYS—8.

Atlee, Johnson,
Burney, Kimbrough,
Carter, O'Neal,
Finch, Potter.
Ingram.

Senator Carter moved that the Senate stand adjourned to tomorrow morning at 9 o'clock.

Adopted by the following vote:

YEAS—14.

Atlee, O'Neal,
Burney, Seale,
Cranford, Searcy,
Glasscock, Sims,
Ingram, Tyler,
Lubbock, Townsend,
Mott, Weisiger.

NAYS—7.

Clemens, Kimbrough,
Finch, Potter,
Johnson, Pope,
Kearby,

TWENTY-FOURTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Saturday, April 9, 1892. }

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—25.

Burney, McKinney,
Clemens, O'Neal,
Carter, Potter,

Cranford, Page,
Finch, Pope,
Frank, Seale,
Glasscock, Searcy,
Harrison, Simkins,
Ingram, Sims,
Johnson, Tyler,
Kearby, Townsend,
Kimbrough, Weisiger,
Lubbock,

ABSENT—3.

Atlee, Crane,
Clark, Mott.

Pending reading of the Journal, on motion of Senator Potter further reading was suspended.

On motion of Senator Harrison the Journal of the 5th inst. was corrected page 3 to show that the Sixty-sixth district, composed of the county of McLennan, shall elect two representatives.

The following messages were received from the House:

House of Representatives, }
Twenty-second Legislature. }
Austin, Texas, Saturday, April 9, 1892. }
Hon. Geo. C. Pendleton President of the Senate:

Sir—I am directed by the House to inform you of the passage of the following bills: House bill No. 62. "An act to organize the court of criminal appeals of the state of Texas; to define the jurisdiction thereof; to prescribe the procedure therein; to fix the places and times of holding the terms of said court; to repeal articles 1005, 1064, 1065, 1066, 1067, 1069, 1070, 1071, 1072, 1073, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, of the revised civil statutes of the state of Texas; to repeal articles 64, 65, 66, 67, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 852, 853, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 876, 877, 878, 879, 880, 881, 882, 883, 886, 887, 888, 889, 890, 1049, 1050, 1051, 1052, of the code of criminal procedure of the state of Texas, and all laws and parts of laws in conflict with the provisions of this act."

Respectfully,

GEO. W. FINGER,
Chief Clerk of the House of Representatives.

House of Representatives }
Twenty-Second Legislature, }
Austin, Texas, April 9, 1892. }
Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House to inform you of the passage of the following bills:

Joint Committee Substitute for

Senate bill No. 32 and House bill No. 11. "An act to organize the courts of civil appeals, to define their jurisdiction and powers and to prescribe the mode of procedure therein," with amendments.

Respectfully,

Geo. W. Finger,

Chief Clerk House of Representatives.

House of Representatives }
Twenty-Second Legislature, }
Austin, Texas, April 9, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House to inform you of the passage by the following bill:

Substitute Senate bill No. 18. "An act to divide the State of Texas into three supreme judicial districts and to provide for and establish a court of civil appeals in each of said districts and to prescribe the times of holding court in each of said districts" with amendments.

Respectfully,

Geo. W. Finger,

Chief Clerk House of Representatives.

The following reports were presented from their respective committees:

COMMITTEE ROOM, }
Austin, April 9, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

House bill No. 62 being "A bill to be entitled an act to organize the court of criminal appeals of the State of Texas, to define the jurisdiction thereof to prescribe the procedure therein to fix the places and times of holding the terms of said court, to repeal certain articles therein specified of the code of criminal procedure of the State of Texas, and repealing all laws and parts of laws in conflict with the provisions thereof have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Pope, Chairman,

COMMITTEE ROOM. }
Austin, April 9, 1892. }

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Joint Concurrent Substitute for Senate bill No. 33 and House bill No.

12, being "An act to amend articles Nos. 1002, 1005, 1011, 1012, 1014, 1017, 1019, 1023, 1024, 1025, 1033, 1039, 1043, 1044, 1049, 1050, 1056, 1057, 1058, 1060, of the revised civil statutes of Texas, and to add 1011a, 1011b, 1011c, 1011d, 1011e, and to repeal articles Nos. 1006, 1007, 1008, 1009, 1034, 1035, 1036, 1037, 1038, 1045, 1048, of the same title of the revised statutes of Texas,"

And find the same correctly engrossed,

Carter, Chairman.

COMMITTEE ROOM, }
Austin, Texas, April 9, 1892. }

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee to whom was referred the memorial of A. R. Roberts, against Hon. J. E. Hollingsworth, commissioner of Agriculture, Insurance, Statistics and History, have had the same under careful consideration and upon thoroughly investigating the matter we find the said charges without foundation.

All of which is respectfully submitted,

Searcy, Chairman.

Adopted.

House bill No. 62. A bill to be entitled "An act to organize the court of criminal appeals of the state of Texas; to define the jurisdiction thereof; to prescribe the procedure therein; to fix the places and times of holding the terms of said court; to repeal articles 1005, 1064, 1065, 1066, 1067, 1069, 1070, 1071, 1072, 1073, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, of the revised civil statute of the state of Texas, to repeal articles 64, 65, 66, 67, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 852, 853, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 876, 877, 878, 879, 880, 881, 882, 883, 886, 887, 888, 889, 890, 1049, 1050, 1051, 1052, of the code of criminal procedure of the state of Texas, and all laws and parts of laws in conflict with the provisions of this act."

Read first time and referred to Judiciary committee No. 1.

BILLS AND RESOLUTIONS.

Senator Carter presented the following resolutions:

Resolved, by the Senate of the State Texas, the House of Representatives concurring. That whereas the World's Fair committee of Texas, composed of citizens of the state are making efforts to have an exhibit of the resources of the State of Texas at the World's Fair, to be held in the city of Chicago,

in the State of Illinois, in May, 1893, and whereas the constitution of this state prohibits the state legislature from making an appropriation out of the state treasury for such an exhibit, and whereas it is important that the great resources of this state should be exhibited at said World's Fair, therefore be it resolved by the Legislature of the State of Texas, that the efforts of the said committee in trying to have an exhibit of the resources of Texas at said world's fair are commended and the citizens of Texas individually and collectively are urged and requested to co-operate with and lend all aid to said committee within their means and said committee are hereby assured that the Legislature of this State and its citizens will always hold in grateful remembrance the patriotism of said committee in their devotion to the best interests of our State.

Read and ordered to lie on the table subject to call.

By Senator Page:

Joint Resolution to amend section 2, article 3 of the state constitution.

Read first time and referred to committee on constitutional amendments.

Special order after the morning call House bill No. 14.

On motion of Senator Carter the special order for this morning was suspended in order to hear the reports of the free conference committee on representative districts.

Majority and minority reports were read.

Senator Tyler moved to substitute the minority, for the majority report. The ayes and nays being called for it was adopted by the following vote:

YEAS—19.

Atlee,	Kimbrough,
Burney,	McKinney,
Clark,	Potter,
Clemens,	Page,
Crane,	Simkins,
Carter,	Sims,
Cranford,	Tyler,
Finch,	Townsend,
Glasscock,	Weisiger.
Harrison,	

NAYS—7.

Frank,	Pope,
Ingram,	Seale,
Kearby,	Searcy.
Lubbock,	

Question being on the adoption of the report as substituted it was

Adopted by the following vote:

YEAS—27.

Atlee,	McKinney,
Burney,	Mott,
Clark,	Potter,
Clemens,	Page,
Crane,	Pope,
Carter,	Seale,
Finch,	Simkins,
Glasscock,	Sims,
Kearby,	Tyler,
Kimbrough,	Weisiger.
Lubbock,	

NAYS—6.

Cranford,	Ingram,
Frank,	Johnson,
Harrison,	Searcy,

SPECIAL ORDER.

House bill No. 14, entitled "An act carrying into effect constitutional amendment to article 7, section 5, transferring annually one per cent, of the permanent to the available school fund,"

On second reading.

Bill read with favorable committee report.

Senator Glasscock offered the following:

Amend section 2 by inserting after the word "first" in line 6, page 7, of printed journal, the following words and figures, "to the 15th."

Adopted.

Senator Clark offered the following:

Amend section 3 of the bill by adding thereto. Provided that no part or the value thereof, of the unsold public land belonging to said fund shall be included or considered by the comptroller and state treasurer, in ascertaining the amount to be transferred from the permanent to the available free school fund.

Adopted.

Senator Glasscock offered the following:

Amend Section 5, by inserting after the word "days" line 4 page 8 of the Journal the following: "and said rule is hereby suspended."

Adopted.

Question being on the passage of the bill to a third reading, after debate, on motion of Senator Page a call of the Senate was ordered.

Roll call developed the following:

PRESENT—28.

Atlee,	Kimbrough,
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Burney,	Lubbock,
Clark,	McKinney,
Clemens,	Mott,
Crane,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Seale,
Glasscock,	Searcy,
Harrison,	Sims,
Ingram,	Tyler,
Johnson,	Townsend,
Kearby,	Weisiger.

ABSENT—1.

Simkins.

Senator Simkins having appeared in his seat and the Senate being full question recurred to the passage of the bill to a third reading.

It was passed to a third reading by the following vote:

YEAS—20.

Atlee,	Kimbrough,
Burney,	McKinney,
Clark,	O'Neal,
Carter,	Potter,
Cranford,	Pope,
Finch,	Seale,
Glasscock,	Sims,
Harrison,	Tyler,
Johnson,	Townsend,
Kearby,	Weisiger.

NAYS—9.

Clemens,	Mott,
Crane,	Page,
Frank,	Searcy,
Ingram,	Simkins.
Lubbock,	

Senator Pope moved that the constitutional rule requiring bills to be read on three several days, in each house, be suspended, and that the bill be put upon its third reading and final passage.

Lost by the following vote:

YEAS—17

Atlee,	Kimbrough.
Burney,	Kearby,
Clark,	O'Neal,
Carter,	Pope,
Cranford,	Seale,
Finch,	Sims,
Glasscock,	Tyler,
Harrison,	Weisiger.
Johnson,	

NAYS—11.

Clemens,	Mott,
Crane,	Page,
Frank,	Searcy,
Ingram,	Simkins,
Lubbock,	Townsend,
McKinney,	

Senator Burney moved to suspend regular business and take up House bill No. 54.

Adopted.

House bill No. 54, entitled "An act to amend an act to re-organize the 35th judicial district, and to create the 51st judicial district of the State, presented to the governor March 3, 1891, but not being signed by him, returned with his objection within the time prescribed by the constitution became a law without his signature."

(On second reading.)

Bill read with favorable committee report.

Bill was passed to a third reading.

Senator Burney moved that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Harrison,	Simkins,
Ingram,	Sims,
Johnson,	Tyler,
Kearby,	Townsend,
Kimbrough,	Weisiger.

Bill read third time and passed.

Senator Frank asked to postpone pending business to take up House bill 21. Adopted.

House bill No. 21, entitled "An act to amend title 54, articles 2976, 2977, 2978, 2979, 2980 and 2981 of the revised civil statutes of the State of Texas, regulating the rate of interest and defining usury, and to add thereto article 2981a, to

regulate the rates of interest and prevent usury, and to repeal an act to be entitled an act to define and punish usury, passed at the regular session of the Twenty-second Legislature, and all laws and parts of laws in conflict with the provisions of this act."

(On second reading).

Bill was read with favorable committee report.

Senator Atlee offered the following amend by adding

Article 2979a. Every person, corporation association of persons, who shall take, receive or exchange a rate of interest greater than is allowed by the preceding article when knowingly done shall be guilty of usury and on conviction shall be fined in an amount not exceeding double the amount of interest recieved.

Lost.

Bill passed to third reading.

Senator Frank moved that the constitutional rule requiring bills to be read on three several days be suspended and that the bill be put upon its third reading and final passage adopted by the following vote:

YEAS—20.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clemens,	McKinney,
Crane,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Seale,
Frank,	Tyler,
Glasscock,	Townsend,
Kearby,	Weisiger.

NAYS—5.

Clark,	Searcy,
Harrison,	Sims.
Ingram,	

Bill read third time and passed by the following vote:

YEAS—19.

Burney,	Lubbock,
Clemens,	McKinney,
Crane,	O'Neal,
Carter,	Potter,
Finch,	Page,
Frank,	Seale,
Glasscock,	Tyler,
Harrison,	Townsend,
Kearby,	Weisiger.
Kimbrough,	

NAYS—7.

Atlee,
Clark,
Cranford,
Ingram,

Johnson,
Searcy,
Sims.

Senator Finch moved to call up Senate bill No. 18 in order to consider the House amendments.

Adopted.

Senator Finch moved that the Senate concur in the House amendments.

On motion of Senator Frank the amendments were voted on separately.

Question being to concur in the first amendment, it was lost by the following vote:

YEAS—8.

Finch,
Glasscock,
Kearby,
McKinney,

Seale,
Simkins,
Sims,
Tyler.

NAYS—19.

Atlee,
Burney,
Clark,
Clemens,
Crane,
Carter,
Cranford,
Frank,
Harrison,
Ingram,

Johnson,
Kimbrough,
Lubbock,
Mott,
O'Neal,
Potter,
Pope,
Townsend,
Weisiger.

PAIRED.

Senator Searcy, present, with Senator Garwood, absent, the former would vote "aye" the latter "no".

The second amendment was read.

Senator Simkins moved that the Senate do not concur in the amendments and ask for a conference committee.

Adopted.

On motion of Senator Harrison the Senate went into executive session.

IN SENATE.

Senator Crane presented the following privileged report:

COMMITTEE ROOM,

Austin, April 9, 1892. }

Hon. Geo. C. Pendleton, President of the Senate.

Sir—Your committee on Enrolled

Bills have carefully examined and compared

Joint Committee Substitute for Senate bill No. 32 and House bill No. 13, being "An act to amend articles 1377, 1380, 1386, 1387, 1389, 1391, 1394, 1396, 1400 and 1404 of title 29 chapter 19, and to add after article 1407 another article to be known as article 5407a and to add after article 1416 another article to be known as article 1416r of said title 29, chapter 19 of the revised statutes of the State of Texas and to repeal articles 1381, 1382 and 1383 of said revised statutes and providing for the disposition of certain causes.

And find the same correctly enrolled, and have this day, at 10:10 a. m., presented the same to the Governor for his approval.

Crane, Chairman.

Senator Simkins called up joint committee substitute for Senate bill No. 32 and House bill No. 11, to organize the courts of civil appeals, to define their jurisdiction and powers and to prescribe the mode of procedure therein, in order to consider the House amendments, and moved that the Senate concur in the House amendments.

The amendments were concurred in.

(Senator Crane in the chair).

Senator Carter moved to suspend the rules and take up Senate bill No. 23. Adopted.

(Bill on second reading).

Senate bill No. 23, entitled an act to amend articles 2578 and 2581, of chapter 10, of the revised civil statutes of the State of Texas, and to add thereto article 2589a providing for the hypothecation of lands belonging to an estate in the hands of a guardian, and article 2589b providing for the novation of existing indebtedness of estates in guardianship," was read with the favorable committee report and amendments. Amendments were adopted.

Senator Harrison offered the following:

Amend by striking out article 2589a pending action.

On motion of Senator Johnson, the Senate adjourned until 3 o'clock to day.

AFTERNOON SESSION.

The Senate met at 3 p. m., pursuant to adjournment.

Roll call. No quorum present.

The following Senators answered to their names:

PRESENT—17.

Atlee,	O'Neal,
Clark,	Pope
Carter,	Seale,
Finch,	Searcy.
Frank,	Simkins,
Glasscock,	Sims,
Kearby,	Tyler,
McKinney,	Townsend.
Mott,	

On motion of Senator Frank a call of the Senate was ordered.

A second roll call developed a quorum, as follows:

PRESENT—24.

Atlee,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,
Johnson,	Sims,
Kearby,	Tyler,
Kimbrough,	Townsend,
Lubbock,	Weisiger

By permission the following reports were presented:

COMMITTEE ROOM, }
Austin, April 9, 1892. }

Hon. Geo. C. Pendleton, President of the Senate.

Sir—Your committee on judiciary No. 1 having had under consideration House bill No. 18 being an act to amend articles 3227, 3236, 3228, 3239a, 3239b, 3239c of title 63 of the revised statutes of the State of Texas, a majority of your committee instruct me to report the same back with the recommendation that the same do pass.

Respectfully submitted.

Pope, Chairman.

COMMITTEE ROOM, }
Austin, April 9, 1892. }

Hon. Geo. C. Pendleton, President of the Senate.

Sir—Your committee on judiciary No. 1 to whom was referred

House bill No. 17, being "An act to amend article 378, chapter 6, title 11, of the penal code of the state of

Texas, as amended and articles 378c, 378d and 378e created by an act of the legislature of the state of Texas, entitled an act to amend article 378, chapter 6, title 11, of the penal code of the state of Texas, and to add articles 378a, 378b, 378e, 378d and 378e to said chapter and title, prohibiting the unlawfully selling of intoxicating liquors and defining and prohibiting blind tigers and providing rules of evidence and penalties therefor; approved March 30, 1887, have had the same under consideration and a majority instruct me to report the same back with there commendation that it do pass.

Pope, Chairman.

On motion of Senator Kearby the call of the Senate was suspended.

The pending business being Senate bill No. 23, the question recurred to the amendment of Senator Harrison pending on adjournment.

The amendment was lost.

Senator Carter offered the following:

Amend section 2589 by adding: "Provided no such order shall be made if any creditor of said ward interpose any objection to the same before said order is granted."

Pending action.

By permission Senator Johnson presented the following report:

COMMITTEE ROOM,
Austin, Texas. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements, to whom was referred

House bill No. 19, being "An act to declare the effect of judicial and other sales of railroads, to limit the amount of stocks and bonds that may be issued by railroad companies, and to regulate the manner of issuing, registering and securing the same; to prescribe the requisites of deeds of trust and mortgages made to secure such bonds, and to prescribe penalties for violating the provisions of this act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with recommendation that it do pass.

Johnson, Chairman.

On motion of Senator Frank the bill was ordered printed in the Journals.

The bill reads as follows:

House bill No. 19 entitled an act to

declare the effect of judicial and other sales of railroads; to limit the amount of stocks and bonds that may be issued by railroad companies, and to regulate the manner of issuing, registering and securing the same; to prescribe the requisites of deeds of trust and mortgages made to secure such bonds and debts, and to prescribe penalties for violating the provisions of this act.

Section 1. Be it enacted by the legislature of the State of Texas: That every judicial or other sale of any railroad in this state hereafter made, which shall have the effect to discharge the property sold from liability in the hands of the purchaser for claims for damages, unsecured debts and junior mortgages, against such railroad company sold out, shall have the effect to annul and cancel all claims of every stockholder therein to any share in the capital stock of such railroad company, and it shall not be lawful for any company organized thereafter to issue any stock in lieu of the old stock, or to allow any compensation therefor in any manner whatever.

Section 2. Whenever any railroad shall hereafter be sold out in such manner as to relieve the same in the hands of of the purchasers from liability for unsecured debts and claims against the sold out company, the purchasers thereof shall not acquire any right in the charter of the sold out company, nor a right to organize under the same but such purchasers shall have a right to organize a new company for the purpose of operating such railroad, under the laws of the state governing the organization of railroad companies and subject to the laws then in existence, or that may be thereafter enacted.

Section 3. Any company organized under the provisions of the preceding section, may consider any portion of the purchase money paid as capital stock of such railroad, and the remainder may be held as a debt, for which bonds may be issued at par to purchasers, or may be issued and sold in order to reimburse the purchasers for the money paid out in the purchase of such railroad. The amount of capital stock of such company shall be determined by the provisions of the laws as to railroad companies, and each purchaser of such railroad may receive the portion of the purchase money actually paid by him in stock.

of such company, either as paid up stock, or he may apply the same as payments upon the amount of stock that he shall subscribe for, the same as if paid in on call by the company itself.

Section 4. Each railroad company that shall be hereafter organized or that shall be reorganized under the laws of the state, or which shall increase its capital stock under the laws of this state, shall issue certificates to the subscribers to its capital stock under the following regulations: The board of directors shall meet in person in the State of Texas, at the principal office of such company and shall cause to be made a list of the subscribers to such stock, showing the number of shares subscribed by each, and the amount of the capital stock represented by each share and the amount actually paid on each share of stock, and shall cause to be affixed to each name on said list a number, beginning with number one, to the highest number, of any certificates previously issued. Each director and the presiding officer of the meeting who favor the issuing of such certificates of stock, shall make a certificate to said statement to the effect that the same is correct, and that the amount of money stated has been actually paid and shall each sign the same in person. Such statement shall thereupon be entered at large upon the minutes, and after having the seal of the company affixed thereto, shall be attested by the secretary of the company and deposited with the railroad commission, and by it filed and preserved in its office. The secretary of the company shall then be authorized to make out and deliver to each stockholder in said list a certificate corresponding with said statement in number, name, number of shares, amount of capital stock represented by each share and the amount of cash paid upon each share, which certificates shall be signed by the president of the said railroad company, attested by the secretary, with the seal of the said company affixed. No railroad company shall hereafter increase its capital stock unless all existing shares of stock shall have been paid in full, or all unpaid shares of such stock have been sold out or forfeited under the law. When the certificates of stock to be issued are for increase of capital stock, the statement herein required to be made by the board of directors

shall state that all existing shares of stock have been paid in full or that all shares not paid in full have been sold out or forfeited under the law.

Section 5. Every judicial or other sale of a railroad which shall have the effect to discharge the property of the sold out railroad company from liability in the hands of the purchasers for claims of damages or any unsecured debt or junior lien thereon, shall have the effect to cancel and discharge the bonds or other debts for the satisfaction of which the sale was made, and no railroad company organized by any persons thereafter for the ownership and operation of such railroad, shall renew any such bonds or debts against said property, nor issue in lieu any bonds or other evidence of debt against such new company.

Section 6. No railroad company in this State shall hereafter make, issue, renew, or in any way extend any bonds or other evidence of debt which shall become or be a lien upon its property for an amount exceeding twenty thousand dollars per mile of the road of such company then constructed or being constructed, except that in case a railroad has been sold out at judicial or other sale, such as hereinbefore mentioned, and the purchase money actually paid in such purchase in good faith, shall exceed the sum of twenty thousand dollars per mile of the railroad so purchased and then constructed. The railroad company which may be organized by the purchasers, their associates and assignees may issue bonds on such railroad for the full amount of the money paid in good faith on such purchase, less the sum which may be applied to the account of capital stock, said bonds to be issued under the regulations hereinafter prescribed.

Section 7. When any railroad company in this State shall hereafter desire to make, issue and sell any bonds, or other evidence of debt, which is to become a lien upon its property, it shall comply with the general laws of the State regulating the same, and in addition thereto shall have the said bonds prepared, signed by the president of the company and attested by the secretary, with the seal attached thereto. Each bond shall be numbered, beginning with number one, or the highest number of any preceding bonds issued by it, and continue consecutively until all are numbered.

The bonds shall be dated, made payable at a time not to exceed thirty years from date, and shall bear interest not exceeding six per cent per annum. The said bonds, when thus prepared, shall be presented to the railroad commission with a statement in writing, signed and sworn to by the president of said company, showing the amount of the capital stock of said company and the amount of outstanding bonds, if any, and if the railroad commission shall be satisfied that said bonds added to the outstanding stock do not amount to a sum exceeding the sum of twenty-five thousand dollars per mile of such railroad as herein required, and that the amount of said bonds added to the outstanding bonds or other debt holding a lien upon such railroad does not exceed the sum of twenty thousand dollars a mile of such railroad, the said commission shall issue to the comptroller a direction to register the said bonds, specifying the number and the amount thereof, or to register so many of such bonds as may be legally issued under this act. Upon presentation of such bonds to the comptroller, with the directions aforesaid, he shall register the said bonds by entering a description thereof in a book to be kept for that purpose, which shall show the date, number, amount, when due and the rate of interest of each bond, and also the date when the same is registered. The said comptroller shall endorse on each bond, under the seal of his office and his official signature, as follows: "This bond is registered under direction of the railroad commission of Texas, thisday of..... (Giving the year as well.)" No bond or other evidence of debt hereafter issued by any railroad company whereby a lien is created upon its property, shall be valid or have any force whatever until the same has been registered as required by law.

Section 8. If the purchasers of any railroad under sale, made, as hereinbefore mentioned, their associates or assignees, shall desire to issue bonds upon such railroad, they shall organize a new company under the laws of this State, and shall comply with the general law upon the subject of issuing bonds, and also with the proceeding section of this act, and in addition thereto shall state to the railroad commission in writing, that the amount for which they desire to issue

such bonds was paid by them in good faith in the purchase of said railroad, and that they have not any understanding or agreement with any person or persons or corporation that any part thereof is to be returned to them in any form, which shall be sworn to as before required. If the railroad commission shall be satisfied that the amount was actually paid in the purchase of said railroad, said commission shall issue the direction to the comptroller to register the same as required in the proceeding section of this act, and said comptroller shall register the same as herein required. No bonds or other evidence of debt of such railroad company, which shall operate as a lien upon its property shall be valid unless the same are registered as herein required. Neither the limitation of twenty thousand dollars per mile, nor the limitation of twenty-five thousand dollars per mile shall apply to the bonds issued for the purchase money of such railroad actually paid by the purchasers but shall apply to all other bonds issued by such company, the same as all other railroad companies.

Section 9. If the earnings of any railroad company shall be found insufficient to pay its expenses, interest upon its bonded and other interest bearing debts, and to make necessary repairs, furnish coaches, cars and locomotives, or to provide it with necessary depot grounds, buildings and terminal facilities, the board of directors may apply to the railroad commission for authority to issue bonds on said road over and above twenty thousand dollars per mile. Such application shall show the amount of outstanding debts of all kinds against said company, the rate of interest, and the expenses of operating the said railroad per annum, with the amount of its earnings per annum, and shall also state the purposes for which such bonds are to be issued and the necessity therefor. If the railroad commission shall upon investigation find that there is a necessity for the issuing of such bonds, and that the earnings of the railroad are sufficient after paying interest on previously contracted debts, operating and other necessary expenses, to pay interest upon the proposed bonds, then the said commission may authorize the issuance of such bonds to such amount as may be necessary. The application herein required shall be sworn to by the presiding officer of

the board of directors, and two other members of said board. The bonds authorized under this section shall be issued in accordance with the general laws of this State, and in accordance with the requirements of this act.

Section 10. If any railroad company shall believe that the amount of stocks and bonds as prescribed in this act will be insufficient to provide funds with which to construct and equip its railroad with one or more tracks, to pay for right of way, depot grounds, terminal facilities, such railroad company by its directors may make application to the railroad commission for permission to issue such amount of stock and bonds as may be necessary for such purposes. The application shall show the length of the line to be, the cost of the same as near as practicable and the purposes for which the money is to be used, and the railroad commission shall investigate the said application and if satisfied that the amount allowed by law is not sufficient, said commission may authorize such railroad company to issue such amount of stocks and bonds as may be necessary, stating the amount, to raise sufficient funds to pay for the construction and equipment of such railroad, pay for its rights of way, depot grounds, terminal facilities and whatever may be necessary thereto, which stocks and bonds shall be issued and registered in accordance with the terms of this act." (Nothing in this act shall be construed to entitle railroad companies to collect and receive freight rates and passenger fares based upon the amount of its bonds and stocks or either).

Section 11. Every certificate of stock in any railroad company, and every bond or other evidence of debt operating as a lien on the property of such railroad company which shall be made, issued or sold without a compliance with this act shall be void, except that when any bonds or other evidence of debt as herein mentioned shall be registered by the comptroller, it shall be valid and binding in the hands of innocent purchasers and holders for value without notice of any illegality in its issue. Each and every railroad director, president or other official who shall knowingly make any false statement upon which to procure the registration of any bond or other evidence of debt as aforesaid and who shall by such false statement procure of the

railroad commission direction to the comptroller to register the same, and which shall be by the comptroller registered and afterwards sold or negotiated by the said railroad company shall be guilty of a felony, and upon conviction thereof in any court of competent jurisdiction shall be punished by confinement to hard labor in the state penitentiary for a term of years, not less than two nor more than fifteen, and shall likewise be liable to any creditor of such company for the full amount of the bonds or other evidence of debt so registered.

Section 12. There being no law in this state limiting and regulating the issuing of bonds and stocks by railroad companies, and the fact that the session of the legislature is limited and drawing to a close with a large amount of important business pending, creates an imperative public necessity which requires that the constitutional rule requiring bills to be read in each house on three several days in each be and the same is hereby suspended, and it is so enacted.

The following privileged report was presented:

COMMITTEE ROOM, }
Austin, April 9, 1892. }

Hon. Geo. C. Pendleton, President of the Senate, and Hon. R. T. Milner, Speaker of the House of Representatives.

Sirs--Your free conference committee appointed by both houses of the Legislature to settle the difference between the two houses on Substitute House bill Nos. 1, 26 and 29, entitled "An act to apportion the State of Texas into congressional districts and to repeal all laws and parts of laws in conflict herewith," respectfully report that they have had the same under consideration and submit the accompanying substitute for Substitute House bills Nos. 1, 26 and 29, and all amendments thereto, and recommend that both houses do concur therein and that said substitute be adopted.

BROWNING of Donley,
GRESHAM,
ADKINS,

On the part of the House.
CRAWFORD,
POPE,
WEISIGER,

KIMBROUGH,
On the part of the Senate.

Senator Frank moved that the consideration of the report be postponed.

and the bill be printed in the Journal.
Lost.

The committee report was adopted
by the following vote:

YEAS—13.

Atlee,	O'Neal,
Clemens,	Pope,
Crane,	Seale,
Cranford,	Searcy,
Glasscock,	Townsend,
Kimbrough,	Weisiger.
Mott.	

NAYS—12.

Carter,	McKinney,
Finch,	Potter,
Frank,	Page,
Johnson,	Simkins,
Kearby,	Sims,
Lubbock,	Tyler.

Senator Pope moved to reconsider
the vote adopting the report.

Senator Cranford moved to table the
motion to reconsider.

On motion of Senator Frank a call
of the Senate was offered.

The roll call developed the follow-
ing:

PRESENT—26.

Atlee,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,
Johnson,	Sims,
Kearby,	Tyler,
Kimbrough,	Townsend,
Lubbock,	Weisiger.

ABSENT—3.

Burney,	Ingram.
Harrison,	

Question being on the adoption of
the amendment of Senator Carter to the
pending bill, it was adopted by the
following vote:

YEAS—20.

Atlee,	Mott,
Clark,	O'Neal,
Clemens,	Page,
Crane,	Seale,

Carter,	Searcy,
Cranford,	Simkins,
Frank,	Sims,
Johnson,	Tyler.
Kearby,	Townsend.
McKinney,	Weisiger.

NAYS—5.

Finch,	Lubbock,
Glasscock,	Pope.
Kimbrough,	

Senator Atlee offered the following:
Add after the word sold, in line 1, page
2, "A good personal security in ad-
dition thereto."

Senator Glasscock offered the fol-
lowing amendment to read as follows:

Except where improved property or
timbered lands are sold in which ex-
ceptions the cash payment shall not be
less than one-third of the appraised
value of the property so sold.

Senator Burney appeared in the
Senate chamber and took his seat.

Senator Glasscock's substitute was
adopted.

The amendment as amended was
adopted.

Senator Cranford offered the follow-
ing:

Amend article 2589b by adding
thereto the following: "Provided no
such guardian shall renew the evi-
dences of any debt against the estate
of his ward which shall become barred
by the statutes of limitation, nor shall
such guardian renew the evidences of
any debt that may have been made or
contracted by his ward during his mi-
nority or other disabilities."

Senator Glasscock offered the fol-
lowing:

Amend section 2 of the bill by insert-
ing "emergency and" after the word
"an," in line 27.

Adopted.

Senator Carter moved the previous
question on the amendments and the
bill, which was ordered.

(Senator Crane in the chair.)

Senator Cranford's amendment was
adopted.

Senator Glasscock's amendment was
adopted and the bill was ordered en-
grossed.

Senator Carter moved that the con-
stitutional rule requiring bills to be
read on three several days in each
House be suspended and the bill be
put upon its third reading and final
passage. Adopted by the following
vote

YEAS—23.

Atlee,	Lubbock,
Burney,	Mott,
Clark,	O'Neal,
Clemens,	Potter,
Crane,	
Carter,	Pope,
Cranford,	Sea .
Finch,	Searcy,
Frank,	Simkins,
Glasscock,	Sims,
Johnson,	Tyler,
Kearby,	Townsend.
Kimbrough,	Weisiger.

NAYS—1.

McKinney.

Bill read third time and passed by the following vote:

YEAS—20.

Atlee,	Kimbrough,
Clark,	Lubbock,
Clemens,	Mott,
Crane,	O'Neal,
Carter,	Page,
Cranford,	Pope,
Finch,	Searcy,
Glasscock,	Simkins,
Garwood,	Sims,
Johnson,	Weisiger.

NAYS—7.

Frank,	Seale,
Kearby,	Tyler,
McKinney,	Townsend.
Potter,	

MESSAGE FROM THE HOUSE.

Hall of House of Representatives, }
 Twenty-Second Legislature, }
 Austin, Tex., April 9, 1892. }
 Hon. Geo. C. Pendleton, President of
 the Senate:

Sir—I am directed by the House to inform you that the House has adopted the minority report of the free conference committee on

Substitute House bills Nos. 6, 7, 9, 25 and 39. "An act to apportion the State of Texas into representative districts." Respectfully,

GEO. W. FINGER.

House of Representatives, }
 Twenty-Second Legislature, }
 AUSTIN, Texas, April 9, 1892. }

Hon. Geo. C. Pendleton, President of
 the Senate:

Sir—I am directed by the House to

inform you that the House concurs in Senate amendment to House bill No. 62. An act to organize the court of criminal appeals of the state of Texas, to define their powers and jurisdiction and fix the places for holding courts therein, &c.

Respectfully,

GEO. W. FINGER,
 Chief Clerk of the House of Representatives.

Hall House of Representatives, }
 Twenty-Second Legislature, }
 Austin, April 9, 1892. }
 Hon. Geo. C. Pendleton, president of
 the Senate:

Sir—I am directed by the House to inform you of the passage of the following bill:

Joint Committee Substitute for Senate bill No. 33 and House bill No. 12, entitled "An act to amend articles Nos. 1002, 1005, 1011, 1012, 1014, 1017, 1019, 1023, 1024, 1033, 1039, 1043, 1044, 1049, 1050, 1056, 1057, 1058, 1060 of the revised civil statutes of Texas, and to add articles 1011a, 1011b, 1011c, 1011d, 1011e, and to repeal Articles Nos. 1006, 1007, 1008, 1009, 1034, 1035, 1036, 1037, 1038, 1045, 1046, 1048, of the same title of the revised civil statutes of Texas" with amendments. Respectfully,

Geo. W. Finger.

Chief Clerk House of Representatives,

The House amendments were read. Senator Simkins moved that the Senate do not concur in the House amendments and ask for a conference committee. Adopted by the following vote:

YEAS—16.

Clemens,	Lubbock,
Crane,	McKinney,
Carter,	Mott,
Cranford,	O'Neal,
Finch,	Pope,
Frank,	Simkins.
Glasscock,	Weisiger.
Kimbrough,	

NAYS—12.

Atlee,	Page,
Clark,	Seale,
Garwood,	Searcy,
Johnson,	Sims,
Kearby,	Tyler,
Potter,	Townsend.

I signed and vote 'aye' on the adoption of the joint conference com-

mittee report on congressional apportionment, not that I consider the bill submitted a proper, equitable and symmetrical apportionment of the State, but for the reason that it is better to give the people the apportionment agreed upon than to pass no bill at all at this session of the legislature.

Kimbrough.

The chair appointed Senators Simkins, Crane, Mott, Johnson and Townsend as such committee on the part of the Senate.

Senator Kearby moved to postpone pending business, suspend the rules and take up Substitute Senate bill No. 20 and Senate bill No. 27, and consider the bills together.

Withdrawn.

Special order for this afternoon being the report on the cause of Jay Gould vs. The International Receiver-ship.

Senator Crane moved a call of the Senate which was ordered.

The roll call developed the following:

PRESENT—27.

Atlee,	Lubbock,
Burney,	Mott,
Clark,	O'Neal,
Clemens,	Potter,
Crane,	Page,
Carter,	Pope,
Cranford,	Seale,
Finch,	Searcy,
Frank,	Simkins,
Glasscock,	Sims,
Garwood,	Tyler,
Johnson,	Townsend,
Kearby,	Weisiger,
Kimbrough,	

ABSENT—2.

Harrison, Ingram.

Senator Kearby renewed his motion.

Lost by the following vote:

YEAS—16.

Atlee,	Kearby,
Clark,	Kimbrough,
Clemens,	Lubbock,
Crane,	McKinney,
Cranford,	O'Neal,
Finch,	Potter,
Frank,	Pope,
Glasscock,	Weisiger,

NAYS—9.

Carter,	Searcy,
Garwood,	Sims,
Johnson,	Tyler,
Mott,	Townsend,
Seale,	

The following was sent up by Senator Potter and ordered to be spread upon the Journals:

Hon. Geo. C. Pendleton, President of the Senate, and Gentlemen:

Being unable to be with the Senate in the discharge of my duty as committee clerk, I herewith tender my resignation and ask that it take effect from last Tuesday.

ZAL J. WOOD.

Senator Simkins moved to suspend the rules and take up out of its regular order House bill No. 62, received from the House today.

Adopted.

House bill No. 62, entitled "An act to organize the court of criminal appeals of the state of Texas; to define the jurisdiction thereof; to prescribe the procedure therein; to fix the places and times of holding the terms of said court; to repeal articles 1005, 1064, 1065, 1066, 1067, 1069, 1070, 1071, 1072, 1073, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, of the revised civil statutes of the states of Texas; to repeal articles 64, 65, 66, 67, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 852, 853, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 876, 877, 878, 879, 880, 881, 882, 883, 886, 887, 888, 889, 890, 1049, 1050, 1051, 1052, of the code of criminal procedure of the state of Texas, and all laws and parts of laws in conflict with the provisions of this act," beg leave to report that they have had the same under consideration and recommend that the same do pass, with the accompanying amendments.

On second reading.

Senator Simkins moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be passed to its third reading.

Adopted by the following vote:

YEAS—24.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clark,	McKinney,
Clemens,	Mott,
Crane,	Potter,
Cranford,	Pope,
Frank,	Seale,
Frank,	Simkins,
Glasscock,	Sims,
Garwood,	Tyler,

Johnson,
Kearby,
O'Neal,

Townsend,
Weisiger.
NAYS—2.
Searcy.

(Senator Kimbrough in the chair.)

Bill read.

Senator Potter offered the following:

Amend section 62 by striking out subdivision 4 of said section.

Senator Clemens offered the following:

Amend by adding to section 64, after the word "dollars," the following: Provided, the whole sum such clerk shall receive as compensation for his services shall not exceed \$2500 per annum, and any sums over and above that amount shall be paid by him to the treasurer of the State, under such rules as may be prescribed by the comptroller, to be approved by the judges of the criminal court of appeals.

Adopted.

Senator Crane offered the following:

Amend section 41 by adding thereto the following: In all felony cases by it recorded, the court of criminal appeals shall show a written opinion, setting forth the reason for its decision.

Adopted.

Bill passed to a third reading.

Senator Simkins moved that the constitutional rule requiring bills to be read on three several days in each House be again suspended and the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Kimbrough
Burney,	Lubbock,
Clark,	McKinney,
Clemens,	Mott,
Crane,	O'Neal.
Finch,	Page.
Frank,	Searcy,
Glasscock,	Simkins,
Garwood,	Sims,
Johnson,	Townsend,
Kearby,	Weisiger.

NAYS—3.

Potter,	Seale.
Tyler,	

Bill read third time and passed.

Senator Crane moved to reconsider the vote passing the bill, and to lay that motion on the table.

The motion to table prevailed.

Senator Kearby moved to suspend the rules and take up Senate bill No. 37, and to consider the same with substitute Senate bill No. 20.

Adopted.

Bills on second reading.

Senate Bill No. 27, entitled "An act to prohibit the chartering of landed corporations for the purpose of speculation, and to forfeit the charters of all corporations which may acquire land in violation of this act, or which have acquired any such land in violation of the provisions of the constitution, or any law of this state. To provide the manner causing such forfeiture, fixing the venue of such suit, and making it the duty of the attorney-general, district and county attorneys to enforce this act, and to provide for recovery of costs, etc."

Was read with favorable report from committee.

Substitute Senate bill No 20, entitled "An act to limit and regulate the ownership of real estate within this state, foreign or domestic; to provide how and when such real estate shall be sold to natural persons, and to provide for the enforcement of this act; to provide for payment of attorney fees and cost of such suit, and for the disposition of the proceeds of said real estate; to provide that certain corporations may own real estate for certain purposes, and to repeal all laws in conflict with this act," was read.

Senator Townsend moved to consider Substitute Senate bill No. 20.

After debate,

Senator Seale moved to indefinitely postpone the consideration of the bills.

Senator Lubbock moved to excuse the absentees under the call on the congressional apportionment bill.

Adopted by the following vote:

YEAS—22.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clemens,	Mott,
Carter,	Mott,
Cranford,	O'Neal,
Finch,	Page,
Frank,	Pope,

Glasscock,	Seale,
Garwood,	Searcy,
Ingram,	Sims,
Johnson,	Townsend,
Kearby,	Weisiger.

NAYS.—4.

Clark,	Simkins,
McKinney,	Tyler,

Question being on the motion to table the motion to reconsider the vote passing the congressional apportionment bill.

The motion to table prevailed by the following vote:

YEAS—18.

Atlee,	Ingram,
Burney,	Johnson,
Clark,	Kimbrough,
Clemens,	Mott,
Crane,	O'Neal,
Carter,	Seale,
Cranford,	Searcy,
Glasscock,	Townsend,
Garwood,	Weisiger.

NAYS—10.

Finch,	Page,
Frank,	Pope,
Lubbock,	Simkins,
McKinney,	Sims,
Potter,	Tyler.

Question recurred on the motion to indefinitely postpone consideration of Senate Substitute bill No. 20 and Senate bill No. 37.

Lost by the following vote:

YEAS—13.

Atlee,	Seale,
Carter,	Searcy,
Garwood,	Simkins,
Ingram,	Sims,
Lubbock,	Tyler,
Mott,	Townsend.
Pope,	

NAYS—16.

Burney	Kearby,
Clark,	Johnson,
Clemens,	Kimbrough,
Crane,	McKinney,
Cranford,	O'Neal,
Finch,	Potter,
Frank,	Page,
Glasscock,	Weisiger.

I first voted "no" and then changed my vote to "yea" for the reason

that we have only two days of the session left and have not sufficient time to properly consider the two bills on the subject. I favor restricting corporations in the ownership of lands.

Townsend.

The chair gave notice of signing and signed in open senate after it had been read.

Joint Committee Substitute for Senate bill No. 32 and House bill No. 13, being "An act to amend articles 1377, 1380, 1386, 1387, 1389, 1391, 1394, 1896, 1400 and 1404 of the revised civil statutes of Texas, and to repeal articles 1381, 1382, 1383 of the revised civil statutes of Texas, and to add articles 1407a and 1416b, and providing for the disposition of certain causes."

Senator Carter moved that the President appoint a committee of three senators with power to send for persons and investigate how the secrets of the executive session have been divulged.

Adopted.

And the chair appointed Senators Page, Carter and Lubbock as such committee.

Senator Simkins moved to reconsider the vote by which the Senate concurred in House amendments to the civil court bill and spread the motion on the journal.

Senator Kimbrough, by permission, offered the following:

Resolved, That the President of the Senate appoint a committee of three to ascertain whom, if any of the Senate employes, be retained after adjournment of the Legislature.

Adopted.

The following communication was ordered spread upon the Journal:

Senate Chamber,
Twenty-second Legislature,
Austin, Tex., April 9, 1892.
To His Excellency, J. S. Hogg, Governor:

Sir—The Senate advises and consents to the following appointments made by your excellency of April 4, 1892, to wit:

John Hollingsworth, of Johnson county, commissioner of agriculture, insurance, statistics and history,

S. H. Dixon of Dallas county, inspector of penitentiaries:

And that the Senate refuses to consent to the nomination of W. R. McGill, of Baylor county, as judge of the Fiftieth judicial district.

Respectfully,

A. M. KENNEDY,
Secretary of State.

Senator Carter moved that the Senate adjourn to 8 o'clock tonight.

Senator Kimbrough moved that the Senate adjourn to Monday morning at 9 o'clock. The latter motion prevailed and the Senate adjourned to Monday morning at 9 o'clock.

TWENTY-FIFTH DAY.

Senate Chamber. }
Austin, April 11, 1892. }

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

PRESENT—28.

Atlee,	Lubbock,
Burney.	McKinney.
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page.
Cranford,	Pope.
Finch,	Seale,
Frank,	Searcy,
Garwood,	Simkins,
Ingram,	Sims.
Johnson,	Tyler,
Kearby,	Townsend,
Kimbrough,	Weisiger.

Prayer by the chaplain, Dr. Smoot.

Pending reading of the Journal, on motion of Senator Kearby, further reading was suspended.

COMMITTEE REPORTS.

COMMITTEE ROOM, }
Austin, Texas, April 11, 1892. }

Hon. Geo. C. Pendleton, president of the Senate:

Sir—Your committee on engrossed bills have carefully examined and compared Senate bill No. 23, being an act to amend articles 2578 and 2581, of chapter ten (10) of the revised civil statutes of the State of Texas, and to add thereto article 2589, providing for hypothecation of lands belonging to an estate in the hands of a guardian, and article 2589b, providing for the novation of existing indebtedness of estates in guardianship."

And find the same correctly engrossed.

Carter, Chairman.

Senator Burney offered the following concurrent resolution:

Resolved by the Senate, the House concurring, that the conference committee heretofore appointed to consider the differences between the House and the Senate on joint committee substitute bill for Senate bill No. 33 and House bill No. 12, known as Supreme Court bill, be and it is hereby granted all the powers of a free conference committee.

Adopted.

Senator Potter offered the following:

Whereas. The Senate of Texas has heard with much regret of the great sorrow, that has befallen the Senator from Wilbarger (Senator Stephens) in the death of his child, which renders his return to this session impossible.

Therefore, Be it resolved. 1st, That we deeply sympathize with our brother senator in this, his great and lasting sorrow and tender him and his family all the consolation such sympathy can give in such a bereavement.

Resolved, 2d. That these resolutions be spread upon the Journals of the Senate and a copy thereof forwarded to Senator Stephens by the secretary of the Senate.

Adopted.

Senator Page asked to be excused from serving on the investigating committee appointed by the Senate on Saturday, and on motion of Senator Kimbrough the request was granted. Senator Finch was appointed to serve on said committee in place of Senator Page.

Senator Weisiger moved to suspend the regular business and take up out of their order House bills Nos. 17 and 18 and consider them together, both being on the same subject.

Senator Searcy moved a call of the Senate on the motion which was ordered. Roll call developed the following:

PRESENT.—25.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Crane,	Potter,
Carter,	Page.
Cranford,	Pope.
Finch,	Seale,
Frank,	Searcy,
Garwood,	Simkins,
Ingram,	Sims,
Johnson,	Tyler.